

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine the
Commission's Future Energy Efficiency Policies,
Administration and Programs.

Rulemaking 01-08-028
(Filed August 23, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
LIMITING ISSUES IN THE EVIDENTIARY
HEARING RE SESCO MOTION TO QUASH**

A prehearing conference was held June 6, 2005, where it was determined that an evidentiary hearing on SESCO's motion would be held on August 8-9, 2005. At the evidentiary hearing, the issues to be heard are:

1. Were the responses by SESCO to staff's data requests and subpoena adequate?
2. Were the staff's data requests and subpoena relevant? That is, could they lead to the discovery of admissible evidence? (CCP § 2017(a).)
3. Did SESCO comply with Administrative Law Judge Malcolm's Ruling of November 30, 2004?

The burden of proof is on SESCO (CCP § 2017(c)). SESCO shall serve prepared testimony on or before August 1, 2005. If time is adequate, staff shall respond with prepared testimony.

A finding that SESCO failed to make an adequate response to data requests and subpoena will result in sanctions.

IT IS SO RULED.

Dated June 14, 2005, at San Francisco, California.

/s/ ROBERT BARNETT

Robert Barnett
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Limiting Issues in the Evidentiary Hearing Re Sesco Motion to Quash on all parties of record in this proceeding or their attorneys of record.

Dated June 14, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.